

# TWO YEARS AFTER EARLIER NDAA REFORMS, STATUS QUO UNCHANGED

**Chairman of the Joint Chiefs of Staff, General Martin Dempsey, March 8, 2014:** “A majority of the Senate of the United States expressed a lack of confidence in our ability to solve this ourselves...we are currently on the clock if you will...the President of the United States said to us in December, you know what, you’ve got about a year to review this thing and show me you can make a difference... we understand that just because Senator Gillibrand’s vote was defeated yesterday doesn’t mean that a year from now it may not be reintroduced and if we haven’t been able to demonstrate we’re making a difference, you know, then we deserve to be held to the scrutiny and standard.”

## DOD’S OWN NUMBERS: ZERO PROGRESS ON RETALIATION, DISTRUST OF SYSTEM PERSIST<sup>1</sup>

52

52 UNWANTED SEXUAL CONTACTS occur every day on average across the military – the rate identical to 2010 levels

75%

3 out of 4 survivors lack sufficient confidence in the military justice system to report the crime

OVERALL DECREASE in the percentage of survivors willing to make an unrestricted report of sexual assault

42%

42% of service members survivors who reported retaliation were encouraged to drop the issue by their supervisor, or someone else in their chain of command.<sup>2</sup>

55%

55% of service member survivors indicated that they were NOT satisfied with the official actions taken against the alleged perpetrator.<sup>3</sup>

## ADDITIONAL STUDIES: ZERO DISCIPLINE FOR RETALIATION; SCOPE OF VIOLENCE UNDERREPORTED

- ✓ Service members who report assault are 12 TIMES more likely to suffer from retaliation for doing so than see their offender convicted of a sex crime.<sup>4</sup>
- ✓ In a review of casefiles, Senator Gillibrand found that 31% of the total cases provided by DOD were filed by civilian survivors, non-military spouses and minors under the age of 16. However, DOD only surveys service members to determine sexual

assault estimates, indicating that two significant survivor groups are overlooked.<sup>5</sup>

- ✓ No one is being held accountable for retaliation; DOD cannot provide a single example of serious disciplinary action taken against those who retaliate.<sup>4</sup>
- ✓ In a review of casefiles, one fifth of the survivors who filed an Unrestricted Report later dropped out of the military justice process.<sup>4</sup>

<sup>1</sup> DOD FY 2014 Annual Report on Sexual Assault in the Military, May 2015; DOD FY 2015 Annual Report on Sexual Assault in the Military, May 2016.

<sup>2</sup> DMDC 2015 Military Investigation and Justice Experience Survey, March 2016.

<sup>3</sup> *Id.*

<sup>4</sup> Human Rights Watch report, “Embattled: Retaliation against Sexual Assault Survivors in the U.S. Military,” May 18, 2015

<sup>5</sup> Office of Senator Kirsten Gillibrand, Snapshot Review of Sexual Assault Report Files at the Four Largest U.S. Military Bases in 2014, May 2016